



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,257	08/22/2001	Dierk Reuter	3499-77	1203

56678 7590 10/20/2006

LEE & HAYES, PLLC  
421 W. RIVERSIDE AVE.  
SUITE 500  
SPOKANE, WA 99201

EXAMINER

NGUYEN, NGA B

ART UNIT PAPER NUMBER

3692

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/935,257

Applicant(s)

REUTER ET AL.

Examiner

Nga B. Nguyen

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-15 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is the answer to the communication filed on August 11, 2006, which paper has been placed of record in the file.
2. Claims 1-15 are pending in this application.

### *Response to Arguments/Amendment*

3. Applicant's arguments with respect to claims 1-15 have been considered but are not persuasive.

In conclusion, for the reason set forth above, examiner decides to maintain the rejection based on Land reference as indicated in the previous Office action and make this Office action FINAL.

4. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1-4, 6, 7, and 10-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Korhammer et al (hereinafter Korhammer), U.S. Patent No. 6,278,982.

Regarding to claim 1, Korhammer discloses a computer-implemented method for trading financial products, the method comprising:

in a first communication channel, streaming offering data for a plurality of different financial products from a server to a trading terminal (column 6, line 50-column 7, line 20, the customer receives order book displayed on the customer's terminal 101 from the CCS 100);

in a second communication channel, receiving a request for offer details relating to a first one of the plurality of financial products, the request comprising a user-specified constraint identifying a desired characteristic of the first financial product (column 8, lines 40-45, the customer uses trading terminal 101 to send the order to the order server 211);

Art Unit: 3628

determining offering information for the first product based on the user-specified constraint (column 7, lines 5-14, the customer receives order book displayed on the customer's terminal 101 from the CCS 100); and

in the second communication channel, transmitting information relating to the specific product to the trading terminal (column 9, lines 50-55, e.g. the customer receives data from exchange like NASDAQ).

Regarding to claim 2, Korhammer further discloses wherein the offering data comprises an aggregate of market data from a plurality of dealers of over-the-counter financial products and the method further comprises: at the server, receiving the market data from the plurality of dealers and aggregating the market data (column 6, lines 60-65, the CCS 100 collects orders from each ECN and electronic exchange, distributes a composite order book to the customers).

Regarding to claim 3, Korhammer further discloses wherein: the first product is an over-the-counter product selected from the group consisting of a simple option, an even currency swap, an even currency roll, an outright forward, an uneven swap, a risk reversal, a straddle, a strangle, a derivative, and an option, and the user-specified constraint comprises a constraint selected from the group consisting of a value date and a strike price (column 10, lines 1-10).

Regarding to claim 4, Korhammer further discloses wherein streaming in the first communication channel comprises periodically re-transmitting offering data for the plurality of different financial products to enable a display of updated information

Art Unit: 3628

reflecting changes in market conditions for the plurality of financial products (column 9, lines 25-50).

Regarding to claim 6, Korhammer further discloses for each of the plurality of financial products, the offering data comprises an associated value date, and price; and the request for details comprises a request for pricing details related to one of the over-the-counter products and the user-specified constraint comprises a different time period than that identified by the streamed offering data (column 10, lines 1-10).

Regarding to claim 7, Korhammer discloses a computer system for providing financial product offerings over a network, the system comprising:

a computer server accessible to a trading terminal over a communications network (column 6, lines 60-65, the CCS 100 collects orders from each ECN and electronic exchange, distributes a composite order book to the customers); and

executable software stored on the server operative to configuring the server to:

stream data relating to multiple product offerings over a first communication channel to the trading terminal (column 7, lines 5-14, the customer receives order book displayed on the customer's terminal 101 from the CCS 100);

receive a request for details relating to a specific product over a second communication channel that is logically separate from the first communication channel, transmit information over the second communication channel relating to the specific product (column 7, lines 20-55);

Art Unit: 3628

receive an order over the second communication channel relating to the specific product (column 6, lines 60-65, the CCS 100 collects orders from each ECN and electronic exchange, distributes a composite order book to the customers) ; and

associate different processing priorities with data transmitted over the first channel compared to data transmitted over the second channel (column 7, lines 35-50).

Claim 10 contains similar limitations found in claim 1 above, therefore, is rejected by the same rationale.

Claims 11-14 are written in computer-readable data storage apparatus and contain similar limitations found in claims 1-4 above, therefore, are rejected by the same rationale.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5, 8, 9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable Korhammer et al (hereinafter Korhammer), U.S. Patent No. 6,278,982.

Regarding to claims 5 and 15, Korhammer does not disclose monitoring network transmission conditions and, based on the network transmission conditions, adjusting a rate of the periodic re-transmitting. However, monitoring network transmission conditions and adjusting a rate of the periodic re-transmitting are well known in the art.

Art Unit: 3628

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Korhammer's to include the features above for the purpose of balancing the data transmitted to avoid data overloading.

Regarding to claims 8-9, Korhammer does not disclose communication over the first and second communication channels is in accordance with the hypertext transfer protocol, wherein the communication network comprises an Intranet. However, communicating over the network using the hypertext transfer protocol and communication network comprises an Intranet are well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Korhammer's to incorporate the features above for the purpose of providing more convenient for the customer to communicate trading information using the hypertext transfer protocol and more secure when using Intranet as the communication network.

### ***Conclusion***

9. Claims **1-15** are rejected.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (571) 272-6799.



Art Unit: 3628

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

Or faxed to:

(571) 273-8300 (for formal communication intended for entry);

or

(571) 273-0325 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany Street, Alexandria, VA, First Floor (Receptionist).



NGA NGUYEN  
PRIMARY EXAMINER

October 10, 2006